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**UNITED STATES BANKRUPTCY COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

In re ) SECOND AMENDED GENERAL  
ADOPTION OF MEDIATION PROGRAM ) ORDER NO. 95-01  
FOR BANKRUPTCY CASES AND )  
ADVERSARY PROCEEDINGS )  
\_\_\_\_\_ )

**1.0 PURPOSE AND SCOPE**

The United States Bankruptcy Court for the Central District of California (the “Court”) recognizes that formal litigation of disputes in bankruptcy cases and adversary proceedings frequently imposes significant economic burdens on parties and often delays resolution of those disputes. The procedures established herein are intended primarily to provide litigants with the means to resolve their disputes more quickly, at less cost, and often without the stress and pressure of litigation.

The Court also notes that the volume of cases, contested matters and adversary proceedings filed in this district has placed substantial burdens upon counsel, litigants and the Court, all of which contribute to the delay in the resolution of disputed matters. A Court-authorized mediation program, in which litigants and counsel meet with a mediator, offers an opportunity for parties to settle legal disputes promptly, less expensively, and to their mutual satisfaction. The judges of the Court hereby adopt the Mediation Program for Bankruptcy

1 Cases and Adversary Proceedings (the “Mediation Program”) for these purposes.

2 It is the Court’s intention that the Mediation Program shall operate in such a way as to  
3 allow the participants to take advantage of and utilize a wide variety of alternative dispute  
4 resolution methods. These methods may include, but are not limited to, mediation, negotiation,  
5 early neutral evaluation and settlement facilitation. The specific method or methods employed  
6 will be those that are appropriate and applicable as determined by the mediators and the parties,  
7 and will vary from matter to matter.

8 Nothing contained herein is intended to preclude other forms of dispute resolution with  
9 the consent of the parties.

## 10 **2.0 CASES ELIGIBLE FOR ASSIGNMENT TO THE MEDIATION PROGRAM**

11 Unless otherwise ordered by the judge handling the particular matter (the “Judge”), all  
12 controversies arising in an adversary proceeding, contested matter, or other dispute in a  
13 bankruptcy case are eligible for referral to the Mediation Program.

## 14 **3.0 PANEL OF MEDIATORS**

### 15 **3.1 Selection.**

16 **a.** The Court shall establish and maintain a panel (“Panel”) of qualified  
17 professionals who have volunteered and been chosen to serve as a mediator (“Mediator”) for the  
18 possible resolution of matters referred to the Mediation Program. The Panel shall be comprised  
19 of both attorneys and non-attorneys.

20 **b.** Applicants shall submit an Application (in the form attached) (the  
21 “Application”) to the judge appointed as the administrator of the Mediation Program (the  
22 “Mediation Program Administrator”), setting forth their qualifications as described in Paragraph  
23 3.3 below.

24 **c.** The judges of the Court will select the Panel from the applications  
25 submitted to the Mediation Program Administrator. The judges will consider each applicant’s  
26 training and experience in mediation or other alternative dispute resolution, if any, as well as the

applicant's professional experience and location. Appointments may be limited to keep the Panel at an appropriate size and to ensure that the Panel is comprised of individuals who have broadbased experience, superior skills, and qualifications from a variety of legal specialties and other professions.

**3.2 Term.** Mediators shall serve as members of the Panel for a term of three years unless the Mediator is advised otherwise by the Court or submits a written request to withdraw from the Panel to the Mediation Program Administrator. Reappointment will occur at the judges' discretion, and an application for reappointment is not required.

**3.3 Qualifications.**

**a. Attorney Applicants.** An attorney applicant shall certify to the Court in the Application that the applicant:

**1.** Is, and has been, a member in good standing of the bar of any state or of the District of Columbia for at least five (5) years;

**2.** Is a member in good standing of the federal courts for the Central District of California;

**3.** Has served as a principal attorney of record in at least three (3) bankruptcy cases (without regard to the party represented) from case commencement to conclusion or, if the case is still pending, to the date of the Application, or has served as the principal attorney of record for a party in interest in at least three (3) adversary proceedings or contested matters from commencement to conclusion or, if the case is still pending, to the date of the Application; and

**4.** Is willing to undertake to evaluate or mediate at least one matter each quarter of each year, subject only to unavailability due to conflicts, personal or professional commitments, or other matters which would make such service inappropriate.

**b. Non-Attorney Applicants.** A non-attorney applicant shall certify to the Court in the Application that the applicant has been a member in good standing of the

1 applicant's particular profession for at least five (5) years, and shall submit a statement of  
2 professional qualifications, experience, training and other information demonstrating, in the  
3 applicant's opinion, why the applicant should be appointed to the Panel. Non-attorney  
4 applicants shall make the same certification required of attorney applicants contained in  
5 Paragraph 3.3.a.4.

6 **3.4 Geographic Areas of Service.** Applicants shall indicate on the Application all  
7 counties within the Central District in which they are willing to serve. Applicants must be  
8 willing to travel to all such counties to conduct Mediation Conferences.

9 **4.0 ADMINISTRATION OF THE MEDIATION PROGRAM**

10 The Chief Judge will appoint a judge of the Court to serve as the Mediation Program  
11 Administrator. The Mediation Program Administrator will be aided by assigned staff members  
12 of the Court, who will maintain and collect applications, maintain the roster of the Panel, track  
13 and compile results of the Mediation Program, and handle such other administrative duties as are  
14 necessary.

15 **5.0 ASSIGNMENT OF MATTERS TO THE MEDIATION PROGRAM**

16 **5.1 Assignment by Request of Parties.** A contested matter in a case, adversary  
17 proceeding, or other dispute (hereinafter collectively referred to as "Matter" or "Matters") may  
18 be assigned to the Mediation Program if requested in writing by the parties in the form attached  
19 as Official Forms 701 and 702.

20 **5.2 Assignment by Judge.** Matters may also be assigned by order of the Judge at a  
21 status conference or other hearing. While participation by the parties in the Mediation Program  
22 is generally intended to be voluntary, the Judge, acting *sua sponte* or on the request of a party,  
23 may designate specific Matters for inclusion in the Mediation Program. The Judge may do so  
24 over the objections of the parties.

25 If a Matter is assigned to the Mediation Program by the Judge at a status  
26 conference or other hearing, the parties will be presented with an order assigning the Matter to

1 the Mediation Program, and with a current roster of the Panel. The parties shall normally be  
2 given the opportunity to confer and to select a mutually acceptable Mediator and an Alternate  
3 Mediator from the Panel. If the parties cannot agree, or if the Judge deems selection by the  
4 Judge to be appropriate and necessary, the Judge shall select a Mediator and an Alternate  
5 Mediator from the Panel.

6 **5.3 Assignment of Non-Panel Mediators.** The Judge may, in his or her sole  
7 discretion, appoint individuals who are not members of the Panel as the Mediator and Alternate  
8 Mediator at the request of the parties and for good cause shown.

9 **5.4 Use of Official Court Order Assigning Matter to Mediation Program.** The  
10 order appointing the Mediator and Alternate Mediator and assigning a Matter to the Mediation  
11 Program shall be in the form attached as Official Form 702 (“Mediation Order”). The original  
12 Mediation Order shall be docketed and retained in the case or adversary proceeding file and  
13 copies shall be mailed, by the party so designated by the Judge, to the Mediator, the Alternate  
14 Mediator, the Mediation Program Administrator, and to all other parties to the dispute.

15 **5.5 Existing Case Deadlines Not Affected by Assignment to Mediation.**  
16 Assignment to the Mediation Program shall not alter or affect any time limits, deadlines,  
17 scheduling matters or orders in the case, any adversary proceeding, contested matter or other  
18 proceeding, unless specifically ordered by the Judge.

19 **5.6 Disclosure of Conflicts of Interest.** No Mediator may serve in any Matter in  
20 violation of the standards regarding judicial disqualification set forth in 28 U.S.C. § 455.

21 **a. Disclosure by Attorney Mediators.** An attorney Mediator shall  
22 promptly determine all conflicts or potential conflicts in the manner prescribed by the California  
23 Rules of Professional Conduct and disclose same to all parties in writing. If the attorney  
24 Mediator’s firm has represented one or more of the parties, the Mediator shall promptly disclose  
25 that circumstance to all parties in writing.

26 **b. Disclosure by Non-Attorney Mediators.** A non-attorney Mediator shall

1 promptly determine all conflicts or potential conflicts in the same manner as a non-attorney  
2 would under the applicable rules pertaining to the non-attorney Mediator's profession and  
3 disclose same to all parties in writing. If the Mediator's firm has represented one or more of the  
4 parties, the Mediator shall promptly disclose that circumstance to all parties in writing.

5 **c. Report of Conflict Issue by Parties.** A party who believes that the  
6 assigned Mediator and/or the Alternate Mediator has a conflict of interest shall promptly bring  
7 the issue to the attention of the Mediator and/or the Alternate Mediator, as applicable, and shall  
8 disclose same to all parties in writing.

9 **d. Resolution of Conflict Issue by Judge.** If the Mediator and/or the  
10 Alternate Mediator does not withdraw from the assignment, the issue shall be brought to the  
11 attention of the Judge in writing by the Mediator, the Alternate Mediator, or any of the parties in  
12 the form attached as Official Form 704. The notice shall be filed with the Court, and copies of  
13 the notice shall be mailed to the Judge, all of the parties to the dispute, their counsel, if any, the  
14 Mediator, the Alternate Mediator, and the Mediation Program Administrator. The Judge will  
15 then take whatever action(s) he or she deems necessary and appropriate under the circumstances  
16 to resolve the conflict of interest issue.

## 17 **6.0 CONFIDENTIALITY**

18 **6.1 In General.** No written or oral communication made, or any document  
19 presented, by any party, attorney, Mediator, Alternate Mediator or other participant in  
20 connection with or during any Mediation Conference, including the written Mediation  
21 Conference statements referred to in Paragraph 7.8 below, may be disclosed to anyone not  
22 involved in the Mediation, nor may any such communication be used in any pending or future  
23 proceeding in this Court or any other court. All such communications and documents shall be  
24 subject to all of the protections afforded by FED. R. BANKR. P. 7068. Such communication(s)  
25 may be disclosed, however, if all participants in the Mediation, including the Mediator, agree in  
26 writing to such disclosure. In addition, nothing contained herein shall be construed to prohibit

1 parties from entering into written agreements resolving some or all of the Matter(s), or entering  
2 into or filing procedural or factual stipulations based on suggestions or agreements made in  
3 connection with a Mediation Program conference (“Mediation Conference”).

4 **6.2 Non-Confidentiality of Otherwise Discoverable Evidence.** Notwithstanding  
5 the foregoing, nothing herein shall require the exclusion of any evidence otherwise discoverable  
6 merely because it is presented in the course of a Mediation Conference.

7 **6.3 Written Confidentiality Agreement Required.** The parties and the Mediator  
8 shall enter into a written confidentiality agreement in the form attached as Official Form 708.

9 **6.4 Effect of Recorded Settlement Agreement on Confidentiality.** An oral  
10 agreement reached in the course of a Mediation Conference is not made inadmissible or  
11 protected from disclosure if all of the following conditions are satisfied:

12 **a.** The oral agreement is recorded by a court reporter, tape recorder, or  
13 other reliable means of sound recording;

14 **b.** The terms of the oral agreement are recited on the record in the presence  
15 of the parties and the Mediator, and the parties express on the record that they agree to the  
16 terms recited;

17 **c.** The parties to the oral agreement expressly state on the record that the  
18 agreement is enforceable or binding or words to that effect; and

19 **d.** The recording is reduced to writing and the writing is signed by the  
20 parties and their counsel, if any, within 72 hours after it is recorded.

21 **6.5 Effect of Written Settlement Agreement on Confidentiality.** A written  
22 settlement agreement prepared in the course of a Mediation Conference is not made inadmissible  
23 or protected from disclosure if the agreement is signed by the settling parties and their counsel,  
24 if any, and either of the following conditions are satisfied:

25 **a.** The agreement provides that it is admissible or subject to disclosure, or  
26 words to that effect; or

1                   b.       The agreement provides that it is enforceable or binding or words to that  
2 effect.

3                   **6.6     Court Evaluation of Mediation Program Not Precluded by Confidentiality**

4 **Provisions.** Nothing contained herein shall be construed to prevent Mediators, parties, and their  
5 counsel, if any, from responding in absolute confidentiality to inquiries or surveys by persons  
6 authorized by the Court to evaluate the Mediation Program.

7                   **6.7     Confidentiality of Suggestions and Recommendations of Mediator.** The

8 Mediator shall have no obligation to make any written suggestions or recommendations but  
9 may, as a matter of discretion, provide counsel for the parties (or the parties, where proceeding  
10 in *pro per*), with a written settlement recommendation memorandum. No copy of any such  
11 memorandum shall be filed with the Court or made available, in whole or in part, directly or  
12 indirectly, to the Judge.

13 **7.0     MEDIATION PROCEDURES**

14                   **7.1     Selection of Mediator.** Counsel for the parties (or the parties, where proceeding

15 in *pro per*), are encouraged to contact the proposed Mediator and Alternate Mediator as soon as  
16 practicable (preferably before submitting the Mediation Order to the judge for approval, if  
17 possible) to determine the availability of the Mediator and Alternate Mediator to serve in the  
18 Matter.

19                   **7.2     Availability of Mediator.** If the Mediator is **not** available to serve in the

20 Matter, the Mediator shall notify the parties, the Alternate Mediator, and the Mediation Program  
21 Administrator of that unavailability by mail in the form attached as Official Form 703 as soon as  
22 possible, but no later than seven (7) calendar days from the date of receipt of notification of  
23 appointment. **Upon notification of the Mediator's unavailability to serve, the Alternate**  
24 **Mediator shall automatically serve as the Mediator without the necessity for further court**  
25 **order.**

26                   **7.3     Availability of Alternate Mediator.** If the Alternate Mediator is **not** available

1 to serve in the Matter, the Alternate Mediator shall notify the parties and the Mediation Program  
2 Administrator of that unavailability by mail in the form attached as Official Form 703 as soon as  
3 possible, but no later than seven (7) calendar days from the receipt of notification by the  
4 Mediator, pursuant to Paragraph 7.1 above, of the Mediator's unavailability to serve.

5 **7.4 Selection of Successor Mediator.**

6 **a. By Parties.** Within seven (7) calendar days of receipt of the Alternate  
7 Mediator's notification of unavailability, the parties shall choose a mutually acceptable  
8 Successor Mediator and Successor Alternate Mediator by mail in the form attached as Official  
9 Form 702. (This is the same Official Form which is used to appoint the original Mediator and  
10 Alternate Mediator, as described in Paragraph 5.4 above. However, the word "Successor" **must**  
11 be inserted in the caption of the Mediation Order in front of the words "Mediator" and  
12 "Alternate Mediator"). The parties shall file such form with the Court and provide a courtesy  
13 copy to the Judge and the Mediation Program Administrator.

14 **b. By Judge.** If the parties are unable to agree on a choice of Successor  
15 Mediator and Successor Alternate Mediator, they shall notify the Judge and the Mediation  
16 Program Administrator of their inability to do so by mail in the form attached as Official Form  
17 704. In that event, the Judge shall appoint the Successor Mediator and Successor Alternate  
18 Mediator.

19 **c. Use of Official Court Order Assigning Successor Mediator.** When the  
20 Successor Mediator and Successor Alternate Mediator have been chosen by the parties and/or  
21 appointed by the Judge, the Judge shall execute an order appointing the Successor Mediator and  
22 Successor Alternate Mediator in the form attached as Official Form 702. (This is the same  
23 Official Form which is used to appoint the original Mediator and Alternate Mediator, as  
24 described in Paragraph 5.4 above. However, the word "Successor" **must** be inserted in the  
25 caption of the Mediation Order in front of the words "Mediator" and "Alternate Mediator").

26 **7.5 Initial Telephonic Conference.** Promptly, but no later than fifteen (15)

1 calendar days of receipt of notification of appointment, the Mediator shall conduct a telephonic  
2 conference with counsel for the parties (or the parties, where appearing in *pro per*) to discuss  
3 (1) fixing a convenient date and place for the Mediation Conference, (2) the procedures that will  
4 be followed during the Mediation Conference, (3) who shall attend the Mediation Conference on  
5 behalf of each party, (4) what material or exhibits should be provided to the Mediator before the  
6 Mediation Conference, and (5) any issues or matters that it would be especially helpful to have  
7 the parties address in their written Mediation Conference Statements.

8 **7.6 Mediation Conference Scheduling.** Also within fifteen (15) calendar days of  
9 receipt of notification of appointment, the Mediator shall give notice to the parties of the date,  
10 time and place for the Mediation Conference. The Mediation Conference shall commence no  
11 later than thirty (30) calendar days following the receipt of notification by the Mediator, and  
12 shall be held in a suitable neutral setting such as the office of the Mediator, or at a location  
13 convenient and agreeable to the parties and the Mediator.

14 **a. Continuance of Mediation Conference.** The date for the Mediation  
15 Conference may be continued for a period not to exceed thirty (30) calendar days upon written  
16 stipulation between the Mediator and the parties. The stipulation need not be filed with the  
17 Court but the parties must mail a copy of it to the Judge and the Mediation Program  
18 Administrator.

19 **b. Additional Continuance.** At the written request of the parties and for  
20 good cause shown, the Judge may, in his or her sole discretion, approve an additional  
21 continuance of the Mediation Conference beyond the period specified in Paragraph 7.6.a.

22 **7.7 Mandatory Service of Mediation Order Prior to Mediation Conference.**  
23 Prior to the Mediation Conference, the parties' counsel shall serve a copy of the Mediation  
24 Order on the Mediator, Alternate Mediator, Mediation Program Administrator, and all parties to  
25 the dispute.

26 **7.8 Mediation Conference Statements.** Each party shall submit a written

1 Mediation Conference statement (“Mediation Statement”) directly to the Mediator and to the  
2 parties to the Mediation Conference no less than five (5) court days prior to the date of the  
3 initial Mediation Conference, unless modified by the Mediator.

4           **a.     Format.** Mediation Statements shall not exceed ten (10) pages,  
5 excluding exhibits and attachments. Mediation Statements shall comply with all of the  
6 requirements of Local Bankruptcy Rule 1002-1(4)(a), (b), (c) and (g), unless such compliance is  
7 excused by the Mediator.

8           **b.     Confidentiality.** Mediation Statements shall be subject to all of the  
9 protections afforded by the confidentiality provisions contained herein and by FED. R. BANKR. P.  
10 7068.

11           **c.     Statements Not Filed with Court.** The Mediation Statements shall **not**  
12 be filed with the Court, and the Judge shall not have access to them. In addition, the phrase  
13 **“CONFIDENTIAL -- NOT TO BE FILED WITH THE COURT”** shall be typed on the first  
14 page of the Mediation Statements.

15           **d.     Mandatory Contents.** Mediation Statements must:

- 16                   1.     Identify the person(s), in addition to counsel, who will attend the  
17 Mediation Conference as representative(s) of the party, who have authority to make decisions;
- 18                   2.     Describe briefly the substance of the dispute;
- 19                   3.     Address any legal or factual issue(s) that might appreciably reduce  
20 the scope of the dispute or contribute significantly to settlement;
- 21                   4.     Identify the discovery that could contribute most to preparing the  
22 parties for meaningful discussions;
- 23                   5.     Set forth the history of past settlement discussions, including  
24 disclosure of any prior and any presently outstanding offers and demands;
- 25                   6.     Make an estimate of the cost and time to be expended for further  
26 discovery, pretrial motions, expert witnesses and trial;

1                               7.       Indicate presently scheduled dates for further status conferences,  
2 pretrial conferences, trial, or otherwise; and

3                               8.       Attach copies of the document(s) from which the dispute has  
4 arisen (*e.g.*, contracts), or the document(s) whose availability would materially advance the  
5 purposes of the Mediation Conference.

6                               **e.       Recommended Additional Contents.** Parties may identify in the  
7 Mediation Statements the person(s) connected to a party opponent (including a representative of  
8 a party opponen''s insurance carrier) whose presence at the Mediation Conference would  
9 substantially improve the prospects for making the session productive. The fact that a person  
10 has been so identified shall not, by itself, result in an order compelling that person to attend the  
11 Mediation Conference.

12                               **f.       Additional Mediation Statements for Mediator Only.** Each party may  
13 submit directly to the Mediator, for his or her eyes only, a separate confidential Mediation  
14 Statement describing any additional interests, considerations, or matters that the party would  
15 like the Mediator to understand before the Mediation Conference begins. Such Mediation  
16 Statements shall not exceed ten (10) pages, excluding exhibits and attachments, and shall comply  
17 with all of the requirements of Local Bankruptcy Rule 1002-1(4)(a), (b), (c) and (g), unless such  
18 compliance is excused by the Mediator.

19                               **7.9       Mandatory Attendance at Mediation Conference.**

20                               **a.       By Counsel.** Counsel for each party who is primarily responsible for the  
21 Matter (or the party, where proceeding in *pro per*) shall personally attend the Mediation  
22 Conference and any adjourned session(s) of that conference, unless excused by the Mediator for  
23 cause. Counsel for each party shall come prepared to discuss all liability issues, all damage  
24 issues, and the position of the party relative to settlement, in detail and in good faith.

25                               **b.       By Parties.** All individual parties, and representatives with authority to  
26 negotiate and to settle the Matter on behalf of parties other than individuals, shall personally

1 attend the Mediation Conference and any adjourned session(s) of that conference, unless  
2 excused by the Mediator for cause. Each party shall come prepared to discuss all liability issues,  
3 all damage issues, and the position of the party relative to settlement, in detail and in good faith.

4 **c. By Governmental Agencies.** A unit or an agency of government  
5 satisfies this attendance requirement if represented by a person who has, to the greatest extent  
6 feasible, authority to settle, and who is knowledgeable about the facts of the case, the  
7 governmental unit's position, and the procedures and policies under which the governmental unit  
8 decides whether to accept proposed settlements.

9 **d. Telephonic Appearance.** Any party or lawyer who is excused by the  
10 Mediator from appearing in person at the Mediation Conference may be required by the  
11 Mediator to participate by telephone. This decision is within the Mediator's sole discretion.

12 **7.10 Consequences of Failure to Attend Mediation Conference and Other**  
13 **Violations of Mediation Program Procedures.** Willful failure to attend the Mediation  
14 Conference and/or other violations of the Mediation Program procedures shall be reported to  
15 the Judge by the Mediator by written notice in the form attached as Official Form 705, and may  
16 result in the imposition of sanctions by the Judge. The Mediator's notice shall be filed with the  
17 Court and copies of the notice shall be mailed to the Judge, all of the parties to the dispute, their  
18 counsel, if any, and the Mediation Program Administrator. The Judge will then take whatever  
19 action(s) he or she deems necessary and appropriate under the circumstances to resolve the issue  
20 of such willful failure to attend the Mediation Conference and/or other violations of the  
21 Mediation Program procedures.

22 **7.11 Conduct at the Mediation Conference.** The Mediation Conference shall  
23 proceed informally. Rules of evidence shall not apply. There shall be no formal examination or  
24 cross-examination of witnesses. The Mediator may conduct continued Mediation Conferences  
25 after the initial session where necessary. As appropriate, the Mediator may:

26 **a.** Permit each party (through counsel or otherwise) to make an oral

1 presentation of its position;

2                   **b.**       Help the parties identify areas of agreement and, where feasible, enter  
3 into stipulations;

4                   **c.**       Assess the relative strengths and weaknesses of the parties' contentions  
5 and evidence, and explain as carefully as possible the reasoning of the Mediator that supports  
6 these assessments;

7                   **d.**       Assist the parties, through separate consultation or otherwise, in settling  
8 the dispute;

9                   **e.**       Estimate, where feasible, the likelihood of liability and the dollar range of  
10 damages;

11                   **f.**       Help the parties devise a plan for sharing the important information  
12 and/or conducting the key discovery that will assist them as expeditiously as possible to  
13 participate in meaningful settlement discussions or to posture the case for disposition by other  
14 means; and

15                   **g.**       Determine whether some form of follow up to the Mediation Conference  
16 would contribute to the case development process or to settlement.

17           **7.12 Suggestions and Recommendations of Mediator.** If the Mediator makes any  
18 oral or written suggestions as to the advisability of a change in any party's position with respect  
19 to settlement, the attorney for that party shall promptly transmit that suggestion to the client.  
20 The Mediator shall have no obligation to make an written comments or recommendations, but  
21 may, as a matter of discretion, provide the parties with a written settlement recommendation  
22 memorandum. No copy of any such memorandum shall be filed with the Court or made  
23 available in whole or in part directly or indirectly, to the Judge.

## 24 **8.0 PROCEDURE UPON COMPLETION OF MEDIATION CONFERENCE**

25           **8.1**       Upon the conclusion of the Mediation Conference, the following procedures shall  
26 be followed:

1                   **a. If Matter Settled.** If the parties have reached an agreement regarding  
2 the disposition of the Matter, the parties, with the advice of the Mediator, shall determine who  
3 shall prepare the writing to dispose of the Matter. If necessary, the parties may, with the  
4 Mediator's consent, continue the Mediation Conference to a date convenient for all parties and  
5 the Mediator. Where required, they shall promptly submit a fully executed settlement stipulation  
6 to the Judge for approval, and shall mail a copy to the Mediation Program Administrator. The  
7 Judge will accommodate parties who desire to place any resolution of a Matter on the record  
8 during or following the Mediation Conference.

9                   **b. Mediator's Certificate of Completion of Conference.** Within ten (10)  
10 calendar days of the Mediation Conference, the Mediator shall file with the Court and serve on  
11 the parties and the Mediation Program Administrator a certificate in the form attached as  
12 Official Form 706, which shows whether there has been compliance with the Mediation  
13 Conference requirements and whether or not a settlement has been reached. Regardless of the  
14 outcome of the Mediation Conference, the Mediator will **not** provide the Judge with any details  
15 of the substance of the Mediation Conference.

16                   **c. Confidential Evaluation.** In order to assist the Mediation Program  
17 Administrator in compiling useful data to evaluate the Mediation Program and aid the Court in  
18 assessing the efforts of the members of the Panel, the Mediator shall provide a Mediation  
19 Conference Report to the Mediation Program Administrator in the form attached as Official  
20 Form 709. The Mediation Conference Report shall **not** be filed with the Court and the Judge  
21 shall not have access to it. In addition, the phrase "**CONFIDENTIAL -- NOT TO BE FILED**  
22 **WITH THE COURT**" shall be typed on the first page of the Mediation Conference Report.

## 23 **9.0 PRO BONO AND COMPENSATED SERVICE OF MEDIATORS**

24                   **9.1 Mandatory Pro Bono Service.** The Mediator shall serve on a *pro bono* basis  
25 and shall not require compensation or reimbursement of expenses for the first full day of at least  
26 one Mediation Conference per quarter per year. If, at the conclusion of the first full day of the

1 Mediation Conference, it is determined by the parties that additional time will be both necessary  
2 and productive in order to complete the Mediation Conference, then:

3           **a.**       If the Mediator consents to continue to serve on a *pro bono* basis, the  
4 parties may agree to continue the Mediation Conference; or

5           **b.**       If the Mediator does not consent to continue to serve on a *pro bono*  
6 basis, the Mediator's compensation shall be on such terms as are satisfactory to the Mediator  
7 and the parties, and shall be subject to the prior approval of the Judge if the estate is to be  
8 charged with such expense.

9           **9.2       Compensated Service Upon Completion of Mandatory *Pro Bono* Service.**

10 After a Mediator has concluded at least one *pro bono* mediation for the particular quarter,  
11 nothing herein shall prohibit the Mediator and the parties from agreeing that the Mediator may  
12 be compensated for services rendered by the Mediator. The amount of such compensation and  
13 the terms governing the amount and payment shall be as agreed upon among the parties. If  
14 applicable, any party or parties to the mediation may apply to the Judge for authorization to  
15 compensate the Mediator from property of the estate. Nothing in this provision, however, shall  
16 require any party to compensate a Mediator other than as may be mutually agreed upon among  
17 the parties and the Mediator.

18 **10.0   IMPLEMENTATION**

19           **10.1**   The Mediation Program became effective on July 1, 1995.

20           **10.2**   Judge Barry Russell is appointed the Mediation Program Administrator.

21  
22 DATED: 8/24/99



GERALDINE MUND  
CHIEF BANKRUPTCY JUDGE

APPLICATION FOR APPOINTMENT TO  
BANKRUPTCY MEDIATION PROGRAM PANEL

UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA

**MANDATORY APPLICATION REQUIREMENTS:**

(1) This application requires certification that the applicant has read Second Amended General Order No. 95-01 and meets the qualifications contained in the Order for appointment to the Program's panel of mediators. Second Amended General Order No. 95-01 is available from the Bankruptcy Court Clerk Offices in Los Angeles, San Fernando Valley, Santa Ana, Riverside and Santa Barbara.

(2) This application must be accompanied by the attached biographical information form. A sample completed version is attached for your reference. The information in the biographical form will be made available to the public. Resumes and legal directory excerpts will not be accepted in lieu of this form.

(3) If additional space is needed to respond fully to any item on this application, the response(s) must be set forth on a separate page. Each separate page must be signed and attached to this application.

(4) Applications must be postmarked no later than December 15, 1997 to be considered. Mail the original and ten (10) copies of the completed application and completed biographical form to:

Judge Barry Russell  
Mediation Program Administrator  
United States Bankruptcy Court  
255 East Temple Street, Suite 1660  
Los Angeles, California 90012

**I. ALL APPLICANTS**

Name: \_\_\_\_\_

Firm: \_\_\_\_\_

Office Address: \_\_\_\_\_  
Street

City State Zip Code

Office Phone: ( ) Office Fax: ( )

E:mail: \_\_\_\_\_

## II. ATTORNEY APPLICANTS

### 1. Dates of Admission:

California Bar: \_\_\_\_\_ State Bar No. \_\_\_\_\_

Central District of California: \_\_\_\_\_

Other Bars: \_\_\_\_\_  
\_\_\_\_\_

2. List three bankruptcy cases in which you have served as the principal attorney of record (without regard to the party represented) from commencement to conclusion, or to the date of this application, whichever is earlier.

<u>Case Title</u>	<u>Case Number</u>	<u>Dates</u>	<u>Representation</u>
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a.

b.

c.

3. List three adversary proceedings or contested matters in which you have served as attorney of record for a party-in-interest from commencement through conclusion (i.e., judgment, order or stipulation), or to the date of this application, whichever is earlier.

<u>Case Title</u>	<u>Case Number</u>	<u>Dates</u>	<u>Representation</u>
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a.

b.

c.

4. List three matters in which you have resolved disputed issues in a mediation or other alternative dispute resolution format.

	<u>Case Title</u>	<u>Case Number</u>	<u>Dates</u>	<u>Representation</u>
a.				
b.				
c.				

### **III. NON-ATTORNEY APPLICANTS**

1. List three matters in which you have resolved disputed issues in a mediation or other alternative dispute resolution format.

	<u>Matter Description</u>	<u>Dates</u>	<u>Capacity Description</u>
a.			
b.			
c.			

### **IV. ALL APPLICANTS**

1. List any professional licenses you hold (other than bar admission), and include dates of admission in each profession.

2. List any professional organizations of which you are an active member, the length of your membership, and any positions held and/or projects completed.

3. List any relevant bankruptcy experience not mentioned in any response above.

4. List any state or federal mediation or other alternative dispute resolution training that you have completed which has been qualified as continuing professional education credit or which has been approved by a court of competent jurisdiction.

5. List any state or federal mediation or other alternative dispute resolution program(s) in which you have participated and indicate in what capacity you have participated in such program(s) (e.g., as a mediator, counsel for a party in a mediation, etc.).

6. List any other relevant experience, skills, or other information which you would like considered in connection with this application.

7. List honors.

8. List publications.

9. List speaking engagements, panel/seminar participation, teaching experience, etc.:

10. Have you been removed from any professional organization, or have you resigned from any professional organization while an investigation into allegations of professional misconduct was pending? Yes \_\_\_\_\_ No \_\_\_\_\_

If so, please explain the circumstances of such removal or resignation: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

11. Check the county(ies) in which you are willing and available to conduct mediation conferences:

___ Los Angeles	___ Ventura
___ Orange	___ Santa Barbara
___ San Bernardino	___ San Luis Obispo
___ Riverside	

12. Specify any area(s) within the above county(ies) in which you are **not** willing and/or available to conduct mediation conferences:

\_\_\_\_\_

#### **V. CERTIFICATION**

I hereby certify that I have read Second Amended General Order No. 95-01 entitled "In re Adoption of Mediation Program for Bankruptcy Cases and Adversary Proceedings" and that I meet the qualifications for membership to the Bankruptcy Mediation Program Panel.

If I am applying for appointment as an attorney mediator, I certify that I am a member in good standing of the state and federal bar(s) listed above.

If I am applying for appointment as a non-attorney mediator, I certify that I am a member in good standing of my profession.

I consent to disclosure of the information contained in this Application to Bankruptcy Court personnel and to the parties and their representatives whose matters have been referred to the Bankruptcy Mediation Program.

I declare under penalty of perjury that the information contained in this Application is true and correct.

DATED: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Applicant)

**BANKRUPTCY MEDIATION PROGRAM**

**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**PANEL MEMBER INFORMATION FORM**

**Name:** \_\_\_\_\_

**Firm Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

\_\_\_\_\_

**Phone:** \_\_\_\_\_

**Fax:** \_\_\_\_\_

1. **Occupation:**

2. **Education:** [List Institution(s), Degree(s), and Date(s)]

3. **Mediation Training:** [Number of hours & Name of Trainer]

4. **ADR Organization Memberships:** [e.g., Southern California  
Mediation Assn., American Arbitration Assn., etc.]

5. **Description of Your Mediation Process/Approach:** [e.g.,  
Caucus/No Caucus; Directive/Collaborative;  
Evaluative/Facilitative; etc.]

6. **Foreign Language(s) Spoken:**

**PLEASE KEEP YOUR ANSWERS BRIEF!**

**BANKRUPTCY MEDIATION PROGRAM**

**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**PANEL MEMBER INFORMATION FORM -- SAMPLE**

**Name:** Jane M. Doe, Esq.

**Firm Name:** Smith, Smith & Doe

**Address:** 1234 Main Street, Suite 102

Los Angeles, California 90012

**Phone:** (213) 999-1111

**Fax:** (213) 999-2222

1. **Occupation:** Attorney (Bankruptcy)
2. **Education:** [List Institution(s), Degree(s), and Date(s)]  
B.A., XXX University, 1974  
J.D., YYY Law School, 1984
3. **Mediation Training:** [Number of hours & Name of Trainer]  
Straus Institute for Dispute Resolution of the  
Pepperdine University School of Law, 30 hours, 1995
4. **ADR Organization Memberships:** [e.g., Southern California  
Mediation Association (SCMA), American Arbitration  
Association (AAA), etc.]  
None
5. **Description of Your Mediation Process/Approach:** [e.g.,  
Caucus/No Caucus; Directive/Collaborative;  
Evaluative/Facilitative; etc.]  
  
"I prefer a caucus type of program which is collaborative  
rather than evaluative. Parties in this process need to  
understand and commit to the non-litigated resolution of  
their differences, which may take substantial discussion."
6. **Foreign Language(s) Spoken:** None

**PLEASE KEEP YOUR ANSWERS BRIEF!**

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5 UNITED STATES BANKRUPTCY COURT  
6 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
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9 In re ) Bk. No.  
10 )  
11 Debtor(s). ) [Chapter ]  
12 \_\_\_\_\_ )  
13 ) Adv. No.  
14 Plaintiff(s)/ ) REQUEST FOR ASSIGNMENT  
15 Movant(s), ) TO MEDIATION PROGRAM;  
16 v. ) [PROPOSED] ORDER THEREON  
17 )  
18 Defendant(s)/ )  
19 Respondent(s). )  
20 \_\_\_\_\_ )

21 I hereby request that the following matter be assigned to the  
22 Bankruptcy Mediation Program of this district:

23 A. Description of the Matter (please check each that applies:

- 24 1. ☐ Objection to claim/claim resolution  
25 2. ☐ Plan  
26 ☐ Objection to plan confirmation  
☐ Plan formulation/negotiation



1 DATED: \_\_\_\_\_ (Name of Party's Counsel)

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3 \_\_\_\_\_  
(Signature of Party's Counsel)

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5 DATED: \_\_\_\_\_ (Name of Party)

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7 \_\_\_\_\_  
(Signature of Party)

8  
9 DATED: \_\_\_\_\_ (Name of Party's Counsel)

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11 \_\_\_\_\_  
(Signature of Party's Counsel)

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14 **Instructions from the Court: A completed [PROPOSED] ORDER**  
15 **ASSIGNING MATTER TO MEDIATION PROGRAM AND APPOINTING MEDIATOR**  
16 **AND ALTERNATE MEDIATOR must be filed in conjunction with this**  
17 **Request for Assignment to Mediation Program.**

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25 cc: Hon. Barry Russell

26 Mediation Program Administrator

United States Bankruptcy Court

255 East Temple Street, Suite 1660

Los Angeles, California 90012

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UNITED STATES BANKRUPTCY COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

In re	)	Bk. No.
	)	
	)	[ Chapter ]
	)	
Debtor(s).	)	
_____	)	
	)	Adv. No.
	)	
Plaintiff(s)/	)	ORDER ASSIGNING MATTER
Movant(s),	)	TO MEDIATION PROGRAM AND
	)	APPOINTING MEDIATOR AND
v.	)	ALTERNATE MEDIATOR
	)	
	)	[NO HEARING REQUIRED]
	)	
	)	
Defendant(s)/	)	
Respondent(s).	)	
_____	)	

This \_\_\_\_\_  
(Adversary Proceeding/Name of Dispute in Main Case)  
is hereby assigned to the Bankruptcy Mediation Program  
of this district, and the following are appointed as Mediator  
and Alternate Mediator:

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Mediator:

Alternate Mediator:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Firm Name

\_\_\_\_\_  
Firm Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
City, State, Zip Code

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\_\_\_\_\_  
Telephone

The attorneys for the parties are:

Attorney for \_\_\_\_\_: Attorney for \_\_\_\_\_:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Firm Name

\_\_\_\_\_  
Firm Name

\_\_\_\_\_  
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City, State, Zip Code

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City, State, Zip Code

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Telephone

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Telephone

[Attach additional page(s) if necessary.]

1 Description of the Matter:

- 2 1. ☐ Objection to claim/claim resolution  
3 2. ☐ Plan  
4 ☐ Objection to plan confirmation  
5 ☐ Plan formulation/negotiation  
6 3. ☐ Valuation  
7 4. ☐ Preference  
8 5. ☐ Fraudulent transfer  
9 6. ☐ Lien avoidance  
10 7. ☐ Dischargeability

11 Specify grounds: \_\_\_\_\_

- 12 8. ☐ Other. Please specify: \_\_\_\_\_

13 \_\_\_\_\_

14 \_\_\_\_\_

15 Amount of money at issue in Matter:

- 16 1. ☐ \$0 to \$1,000  
17 2. ☐ \$1,001 to \$10,000  
18 3. ☐ \$10,001 to \$50,000  
19 4. ☐ \$50,001 to \$100,000  
20 5. ☐ \$100,001 to \$500,000  
21 6. ☐ \$500,001 to \$1,000,000  
22 7. ☐ \$1,000,001 to \$5,000,000  
23 8. ☐ \$5,000,001 to \$10,000,000  
24 9. ☐ If more than \$10,000,000,

25 state amount: \$\_\_\_\_\_

- 26 10. ☐ Money not at issue.

1 Instructions from the Court:

2 A. Re filing and service of this Order:

3 1. If Order is submitted to Court by party(ies):

4 (a) The party(ies) submitting this Order shall file  
5 the following with the Court: (a) the original and three (3)  
6 copies of this Order, (b) the original and three (3) copies of a  
7 Notice of Entry of this Order, and (c) a proof of service which  
8 reflects service of this Order on the Mediator, the Alternate  
9 Mediator, the Mediation Program Administrator (Hon. Barry  
10 Russell) and any individual(s) and/or entity(ies) and/or other  
11 interested party(ies) as may be designated by the Judge.  
12

13 2. If Order is prepared by the Judge:

14 (a) The following individual shall serve a copy of  
15 this Order on the Mediator, the Alternate Mediator, and the  
16 Mediation Program Administrator (Hon. Barry Russell):  
17

18  
19 (b) The following additional individual(s) and/or  
20 entity(ies) and/or other interested party(ies) shall be served  
21 by the individual designated in note 2(a) above with a copy of  
22 this Order: [Attach additional page(s) if necessary.]  
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(c) The individual designated in note 2(a) above shall file an original proof of service which reflects service of this Order on the Mediator, the Alternate Mediator, the Mediation Program Administrator, and the individual(s) and/or entity(ies) and/or other interested party(ies) listed in note 2(b) above.

(B) Other: [Attach additional page(s) if necessary.]

The parties are to comply with the provisions of Second Amended General Order No. 95-01.

IT IS SO ORDERED:

DATED: \_\_\_\_\_

UNITED STATES BANKRUPTCY JUDGE

**SUBMITTED JOINTLY BY:**

DATED: \_\_\_\_\_  
(Name of Party)

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\_\_\_\_\_  
(Signature of Party)

DATED: \_\_\_\_\_

\_\_\_\_\_  
(Name of Party's Counsel)

\_\_\_\_\_  
(Signature of Party's Counsel)

DATED: \_\_\_\_\_

\_\_\_\_\_  
(Name of Party)

\_\_\_\_\_  
(Signature of Party)

DATED: \_\_\_\_\_

\_\_\_\_\_  
(Name of Party's Counsel)

\_\_\_\_\_  
(Signature of Party's Counsel)

cc: Hon. Barry Russell  
Mediation Program Administrator  
United States Bankruptcy Court  
255 East Temple Street, Suite 1660  
Los Angeles, California 90012

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5 UNITED STATES BANKRUPTCY COURT  
6 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
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9 In re ) Bk. No.  
10 )  
11 ) [Chapter ]  
12 )  
13 Debtor(s). )  
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15 ) Adv. No.  
16 )  
17 Plaintiff(s)/ ) NOTICE OF MEDIATOR'S  
18 Movant(s), ) OR ALTERNATE MEDIATOR'S  
19 v. ) UNAVAILABILITY TO  
20 ) SERVE IN MEDIATION  
21 ) MATTER  
22 )  
23 Defendant(s)/ )  
24 Respondent(s). )  
25 )  
26 )

19  
20 The undersigned, who was appointed by the Judge on  
21 \_\_\_\_\_ to serve as \_\_\_\_\_ Mediator \_\_\_\_\_ Alternate  
22 Mediator in the above-entitled Matter, is unavailable to serve  
23 for the following reason(s):  
24

- 25 1. [ ] Conflict of interest  
26 2. [ ] Previous professional commitment

3. [ ] Previous personal commitment

4. [ ] Other:

The undersigned represents that this notice has been mailed to all parties to the Matter, their counsel, if any, and to the Mediation Program Administrator, and that a courtesy copy has been provided to the Judge, as required by the applicable provisions of Second Amended General Order No. 95-01.

DATED: \_\_\_\_\_

(Name of Mediator)

(Signature of Mediator)

DATED: \_\_\_\_\_

(Name of Alternate Mediator)

(Signature of Alternate Mediator)

cc: Hon. Barry Russell  
Mediation Program Administrator  
United States Bankruptcy Court  
255 East Temple Street, Suite 1660  
Los Angeles, California 90012

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5 UNITED STATES BANKRUPTCY COURT  
6 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
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9 In re ) Bk. No.  
10 )  
11 ) [Chapter ]  
12 )  
13 Debtor(s). )  
14 )  
15 ) Adv. No.  
16 )  
17 Plaintiff(s)/ ) NOTICE OF REQUEST AND  
18 Movant(s), ) REQUEST FOR APPOINTMENT  
19 v. ) OF **SUCCESSOR MEDIATOR**  
20 ) AND/OR **SUCCESSOR ALTERNATE**  
21 ) **MEDIATOR** TO MEDIATION  
22 ) PROGRAM  
23 )  
24 Defendant(s)/ )  
25 Respondent(s). )  
26 )

19 This \_\_\_\_\_  
20 (adversary proceeding/name of dispute in main case)  
21 was previously assigned to the Bankruptcy Mediation Program  
22 of this district and the following individuals were appointed as  
23 Mediator and Alternate Mediator:  
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Mediator:	Alternate Mediator:
_____	_____
Name	Name
_____	_____
Firm Name	Firm Name
_____	_____
Address	Address
_____	_____
City, State, Zip Code	City, State, Zip Code
_____	_____
Telephone	Telephone

1. The parties request appointment of the following individuals as \_\_\_\_\_ Successor Mediator and/or \_\_\_\_\_ Successor Alternate Mediator, due to (please check each that applies):

(a) \_\_\_\_\_ the unavailability of the \_\_\_\_\_ Mediator and/or \_\_\_\_\_ Alternate Mediator to serve in this Matter, or

(b) \_\_\_\_\_ a conflict of interest of the \_\_\_\_\_ Mediator and/or \_\_\_\_\_ Alternate Mediator.

Successor Mediator:	Successor Alternate Mediator:
_____	_____
Name	Name
_____	_____
Firm Name	Firm Name
_____	_____
Address	Address
_____	_____
City, State, Zip Code	City, State, Zip Code
_____	_____
Telephone	Telephone

1           2.    The parties are unable to agree upon a Successor  
2 Mediator and/or Successor Alternate Mediator, and hereby request  
3 that the Court appoint same.  
4

5 The attorneys for the parties are:  
6

7 Attorney for \_\_\_\_\_: Attorney for \_\_\_\_\_:

8 \_\_\_\_\_  
9 Name

\_\_\_\_\_ Name

10 \_\_\_\_\_  
11 Firm Name

\_\_\_\_\_ Firm Name

12 \_\_\_\_\_  
13 Address

\_\_\_\_\_ Address

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15 City, State, Zip Code

\_\_\_\_\_ City, State, Zip Code

16 \_\_\_\_\_  
17 Telephone

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18 [Attach additional page(s) if necessary.]  
19

20 DATED: \_\_\_\_\_

\_\_\_\_\_ (Name of Party)

21 DATED: \_\_\_\_\_

\_\_\_\_\_ (Name of Party's Counsel)

22 DATED: \_\_\_\_\_

\_\_\_\_\_ (Name of Party)

23 DATED: \_\_\_\_\_

\_\_\_\_\_ (Name of Party's Counsel)

24           The undersigned represents that this notice has been mailed  
25 to the Mediator and/or Alternate Mediator (as applicable), to  
26

1 all parties to the Matter, to their counsel, if any, and to the  
2 Mediation Program Administrator, and that a courtesy copy has  
3 been provided to the Judge, as required by the applicable  
4 provisions of Second Amended General Order No. 95-01.

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6 DATED: \_\_\_\_\_

\_\_\_\_\_  
(Name of Party or Counsel)

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\_\_\_\_\_  
(Signature of Party/Counsel)

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24 cc: Hon. Barry Russell  
25 Mediation Program Administrator  
26 United States Bankruptcy Court  
255 East Temple Street, Suite 1660  
Los Angeles, California 90012

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5 UNITED STATES BANKRUPTCY COURT  
6 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
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9 In re ) Bk. No.  
10 )  
11 Debtor(s). ) [Chapter ]  
12 \_\_\_\_\_ )  
13 ) Adv. No.  
14 Plaintiff(s)/ ) NOTICE OF NON-COMPLIANCE  
15 Movant(s), ) WITH SECOND AMENDED  
16 v. ) GENERAL ORDER NO. 95-01  
17 Defendant(s)/ ) GOVERNING MEDIATION  
18 Respondent(s). ) PROGRAM  
19 \_\_\_\_\_ )

20 The undersigned Mediator hereby reports non-compliance with  
21 Second Amended General Order No. 95-01 governing the Bankruptcy  
22 Mediation Program, as follows:

23 1. Failure of the following person(s) to attend the  
24 Mediation Conference, and the reasons given, if any, for non-  
25 attendance: \_\_\_\_\_  
26 \_\_\_\_\_  
\_\_\_\_\_

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2. Other: \_\_\_\_\_

The undersigned represents that this notice has been mailed to all parties to the dispute, their counsel, if any, and the Mediation Program Administrator, and that a courtesy copy has been provided to the Judge, as required by the applicable provisions of Second Amended General Order No. 95-01.

DATED: \_\_\_\_\_ (Name of Mediator)

\_\_\_\_\_  
(Signature of Mediator)

cc: Hon. Barry Russell  
Mediation Program Administrator  
United States Bankruptcy Court  
255 East Temple Street, Suite 1660  
Los Angeles, California 90012

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UNITED STATES BANKRUPTCY COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

In re	)	Bk. No.
	)	
	)	[ Chapter ]
	)	
Debtor(s).	)	
_____	)	
	)	
	)	Adv. No.
	)	
Plaintiff(s)/	)	MEDIATOR'S CERTIFICATE
Movant(s),	)	REGARDING CONCLUSION OF
	)	MEDIATION ASSIGNMENT
v.	)	
	)	
	)	
Defendant(s)/	)	
Respondent(s).	)	
_____	)	

A. I hereby certify that I was assigned as \_\_\_\_\_ Mediator [or]  
\_\_\_\_\_ Alternate Mediator in the above-captioned Matter pursuant  
to an order of this Court dated \_\_\_\_\_.

B. I hereby certify that, to the best of my information and  
belief, the mediation assignment concluded as follows:

1. The matter settled following the Mediation Conference:  
\_\_\_\_\_ Yes \_\_\_\_\_ No

1           a.    If yes, the Mediation conference was held on the  
2 following date(s): \_\_\_\_\_  
3 \_\_\_\_\_

4           b.    If yes, I designated \_\_\_\_\_ plaintiff(s)/movant(s)  
5 counsel (or) \_\_\_\_\_ defendant(s)/respondent(s) counsel to prepare  
6 the settlement stipulation.

7           2.    The matter settled prior to the Mediation Conference  
8 and the Conference was not held:       \_\_\_\_\_ Yes       \_\_\_\_\_ No

9           3.    The matter was dismissed by the Court prior to the  
10 Mediation Conference and the Conference was not held:       \_\_\_\_\_ Yes  
11 \_\_\_\_\_ No

12          4.    The matter did not settle:       \_\_\_\_\_ Yes       \_\_\_\_\_ No  
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15 DATED: \_\_\_\_\_  
16 (Name of Mediator)

17 \_\_\_\_\_  
18 (Signature of Mediator)  
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24 cc: Hon. Barry Russell  
25 Mediation Program Administrator  
26 United States Bankruptcy Court  
255 East Temple Street, Suite 1660  
Los Angeles, California 90012

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UNITED STATES BANKRUPTCY COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

In re	)	Bk. No.
	)	
	)	[ Chapter ]
	)	
Debtor(s).	)	
_____	)	
	)	Adv. No.
	)	
Plaintiff(s)/	)	INITIAL MEDIATION
Movant(s),	)	CONFIDENTIALITY
	)	AGREEMENT
v.	)	
	)	<u>CONFIDENTIAL -- NOT</u>
	)	<u>TO BE FILED WITH THE</u>
	)	<u>COURT</u>
Defendant(s)/	)	
Respondent(s).	)	
_____	)	

This is an Agreement between the parties and the Mediator  
to enter into confidential discussions about the mediation of  
the following issues: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
[Attach additional page(s) if necessary.]

1       The undersigned understand and agree to the strict  
2 confidentiality of their mediation. Mediation discussions, any  
3 draft resolutions and any unsigned mediated agreements shall not  
4 be disclosed to anyone not involved in the Mediation Program and  
5 shall not be admissible in any court or administrative  
6 proceeding. Only an agreement signed by all parties may be so  
7 admissible.

8       The parties further agree not to call the Mediator to  
9 testify concerning the mediation nor to provide any materials  
10 from the Mediation Program in any court or administrative  
11 proceeding between the parties, except as to matters governed by  
12 FED. R. BANKR. P. 7068.

13       In addition, the Mediator shall not be compelled to divulge  
14 any materials from the Mediation Program or to testify in regard  
15 to the mediation in any judicial or other proceeding.

16

17 DATED: \_\_\_\_\_  
18 (Name of Party)

19 \_\_\_\_\_  
(Signature of Party)

20 DATED: \_\_\_\_\_  
21 (Name of Party's Counsel)

22 \_\_\_\_\_  
(Signature of Party's Counsel)

23 DATED: \_\_\_\_\_  
24 (Name of Party)

25 \_\_\_\_\_  
(Signature of Party)

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DATED: \_\_\_\_\_  
(Name of Party's Counsel)  
\_\_\_\_\_  
(Signature of Party's Counsel)  
DATED: \_\_\_\_\_  
(Name of Mediator)  
\_\_\_\_\_  
(Signature of Mediator)

[Attach additional page(s) if necessary.]

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5 UNITED STATES BANKRUPTCY COURT  
6 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
7  
8

9 In re ) Bk. No.  
10 )  
11 ) [Chapter ]  
12 )  
13 Debtor(s). )  
14 )  
15 ) Adv. No.  
16 )  
17 Plaintiff(s)/ ) MEDIATOR'S REPORT OF  
18 Movant(s), ) MEDIATION CONFERENCE  
19 )  
20 v. )  
21 ) **CONFIDENTIAL -- NOT**  
22 ) **TO BE FILED WITH THE**  
23 ) **COURT**  
24 )  
25 Defendant(s)/ )  
26 Respondent(s). )  
\_\_\_\_\_ )

19 I hereby certify that:

20  
21 1. I was assigned as \_\_\_\_\_ Mediator [or] \_\_\_\_\_ Alternate  
22 Mediator in the above-captioned Matter pursuant to an order of  
23 this Court dated \_\_\_\_\_.

24  
25 2. The rules governing the Mediation Conference were \_\_\_\_\_ [or]  
26 were not \_\_\_\_\_ complied with.



1 \_\_\_\_\_ No

2 d. The matter did not settle: \_\_\_\_\_ Yes \_\_\_\_\_ No

3

4 6. I spent \_\_\_\_\_ hours preparing for and scheduling the  
5 Mediation Conference(s).

6

7 7. I spent \_\_\_\_\_ hours attending the Mediation Conference(s).

8

9 8. The dispute resolution procedure utilized was: (Please  
10 check each that applies. If more than one applies, give the  
11 approximate percentage of time spent on each.)

12 Early neutral evaluation: \_\_\_\_\_

13 Settlement negotiation: \_\_\_\_\_

14 Mediation: \_\_\_\_\_

15 Other (describe): \_\_\_\_\_

16 \_\_\_\_\_

17

18 9. I was compensated for my services as Mediator: \_\_\_\_\_ Yes

19 \_\_\_\_\_ No

20 If yes, please state:

21 a. The total amount of compensation:

22 \_\_\_\_\_

23 b. How the compensation was calculated: (e.g., hourly  
24 rate (if so, state amount); flat fee; etc.) \_\_\_\_\_

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c. Who paid for your services: \_\_\_\_\_  
\_\_\_\_\_

d. Whether Court approval was obtained: \_\_\_\_\_  
i. If yes:

(1) Which party(ies) sought Court approval?  
\_\_\_\_\_  
\_\_\_\_\_

(2) What method was utilized to seek Court  
approval: (e.g., stipulation and order;  
ex parte motion; regularly noticed  
motion; application for employment,  
etc.)? \_\_\_\_\_  
\_\_\_\_\_

9. Comments/suggestions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATED: \_\_\_\_\_ (Name of Mediator)  
\_\_\_\_\_  
(Signature of Mediator)

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CLIENT AND/OR CLIENT REPRESENTATIVES

Name: _____	Name: _____
Title: _____	Title: _____
Organization: _____	Organization: _____
_____	_____
Address: _____	Address: _____
_____	_____
_____	_____
Phone: _____	Phone: _____
Party Representing: _____	Party Representing: _____
_____	_____
Name: _____	Name: _____
Title: _____	Title: _____
Organization: _____	Organization: _____
_____	_____
Address: _____	Address: _____
_____	_____
_____	_____
Phone: _____	_____
_____	_____
Party Representing: _____	Party Representing: _____
_____	_____

[Attach additional page(s) if necessary.]

Mail to: Hon. Barry Russell  
Mediation Program Administrator  
United States Bankruptcy Court  
255 East Temple Street, Suite 1660  
Los Angeles, California 90012